

Dated: March 16, 2023

The following is ORDERED:




PAUL R. THOMAS
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

IN RE:

CINDY JEAN MAYO
Debtor.

Case No. 22-80640-PRT
Chapter 7

**ORDER GRANTING MOTION TO MODIFY AUTOMATIC STAY, ABANDONMENT AND
WAIVER OF 14-DAY STAY UNDER RULE 4001(a)(3)**

Before the Court is the Motion to Modify the Automatic Stay, Request for Waiver of 14-day Stay under Fed. R. Bankr. P. 4001(a)(3), and Request for Abandonment, with Brief in Support filed by Creditor FirstBank (Docket Entry 34), Objection filed by Interested Party Steven Mayo (Docket Entry 43), and FirstBank's Reply in Opposition and Request to Strike Steven Mayo's Objection (Docket Entry 45).

The Court held a final hearing in this matter on March 15, 2023. The Court admitted FirstBank's exhibits without objection. The Court also admitted exhibits offered by Steven Mayo subject to FirstBank's objection based on relevance. The Court heard arguments of counsel for FirstBank, and of Steven Mayo. Mayo advised the Court that he did not have possession of the collateral FirstBank seeks to repossess. FirstBank argued that Mr. Mayo lacks standing to oppose

its request for relief from the stay since he is not a creditor, trustee nor the debtor, citing *In re Castro*, 503 F. App'x 612 (10th Cir. 2012). The Court denies FirstBank's request to strike Mr. Mayo's Objection. However, it has considered Mr. Mayo's statements and notes that Mr. Mayo is not the debtor herein but is listed as a co-debtor by Debtor Cindy Mayo, and neither the Debtor nor the Trustee have objected to FirstBank's Motion. Therefore, based on legal authorities cited by FirstBank, the Court overrules Mr. Mayo's objection on the basis that he lacks standing to object to the relief requested.

IT IS THEREFORE ORDERED that the Objection filed by Steven Mayo is overruled.

IT IS FURTHER ORDERED that the Motion to Modify the Automatic Stay, Request for Waiver of 14-day Stay under Fed. R. Bankr. P. 4001(a)(3), and Request for Abandonment filed by Creditor FirstBank (Docket Entry 34) is hereby **granted**.

Movant shall give notice of this Order to all interested parties.

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